



# **University College Cork – National University of Ireland, Cork**

## **Standard Operating Procedure (SOP): Disposal of Redundant Personal Data**

## Document Location

[http://ocla.ucc.ie/records/sop\\_disposal.html](http://ocla.ucc.ie/records/sop_disposal.html)

## Revision History

Date of this revision: 23/05/2013	Date of next review: 23/05/2014
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Version Number/Revision Number	Revision Date	Summary of Changes
0.1	23/11/2012	1 <sup>st</sup> draft of SOP completed
0.2	17/05/2013	Details of electronic data destruction service & guidelines added

## Consultation History

Revision Number	Consultation Date	Names of Parties in Consultation	Summary of Changes
0.1	23/11/2012	DP Working Group	Minor edits
0.2	17/05/2013	Michael Farrell, Nora Geary	

## Approval

This document requires the following approvals:

Name	Title	Date Approved
Michael Farrell	Corporate Secretary	29/05/2013

This policy shall be reviewed regularly by the Information Compliance Officer and University Archivist in light of any legislative or other relevant developments who will consult as necessary before submitting any amendments for approval.

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## 1. INTRODUCTION

Data Protection is the means by which the privacy rights of individuals are safeguarded in relation to the processing of their personal data. The Data Protection Acts, 1988 and 2003 (“the Data Protection Acts”), confer rights on individuals (e.g. to access and correct data about themselves) as well as placing responsibilities on those persons/organisations processing personal data. The legislation applies to personal data held in both manual and electronic format relating to any living individual.

These laws are important in the context of University College Cork – National University of Ireland, Cork (“the University”) because the University collects, processes, uses and stores personal data of individuals such as students, staff, alumni, applicants for posts, etc. UCC is known as a ‘Data Controller’ under the legislation. A ‘data controller’ must ensure that it adheres to a number of “rules” in relation to data protection which govern the processing of personal data. One of the rules is that **personal data must not be retained for longer than is necessary for the purpose or purposes for which it was originally obtained**. Personal data cannot be maintained on a speculative basis and can only be used for the purposes originally intended at the time of collection. Failure to adhere to this principle may result in a breach of the Data Protection Acts.

## 2. PURPOSE

The purpose of this Standard Operating Procedure (“SOP”) is to ensure that personal data (especially sensitive personal data) is periodically reviewed and that any data which is no longer necessary for the purposes for which it was originally obtained (“redundant personal data”) is removed from the University’s electronic information systems and paper files.

## 3. DEFINITIONS

The Data Protection Acts govern the processing of personal data. As with any legislation, these and other terms used in the Data Protection Acts have a quite specific meaning. The following are some important definitions used in this policy, taken from section 1 of the Data Protection Acts, with additional comments provided where appropriate:

**Personal data**<sup>1</sup> means data relating to a living individual who is or can be identified either from the data or from the data in conjunction with other information that is in, or is likely to come into, the possession of the data controller. This can be a very wide definition depending on the circumstances – see the Data Protection Commissioner’s guidance note on the meaning of personal data which is available at: <http://www.dataprotection.ie/viewdoc.asp?docid=210>

**Sensitive personal data** receives greater protection under the Data Protection Acts and means personal data relating to -

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<sup>1</sup> **Data** means information in a form which can be processed. It includes both automated data and manual data.

**Automated data** means, broadly speaking, any information on computer, or information recorded with the intention of putting it on computer.

**Manual data** means information that is kept as part of a relevant filing system or with the intention that it should form part of a relevant filing system.

**Relevant filing system** means any set of information that, while not computerised, is structured by reference to individuals, or by reference to criteria relating to individuals, so that specific information is accessible.

- (a) the racial or ethnic origin, the political opinions or the religious or philosophical beliefs of the data subject,
- (b) whether the data subject is a member of a trade union
- (c) the physical or mental health or condition or sexual life of the data subject,
- (d) the commission or alleged commission of any offence by the data subject, or
- (e) any proceedings for an offence committed or alleged to have been committed by the data subject, the disposal of such proceedings or the sentence of any court in such proceedings.

Data subjects have additional rights in relation to the processing of any such data.

**Data subject** is an individual who is the subject of personal data.

**Data controllers** are those who, either alone or with others, control the contents and use of personal data. Data Controllers can be either legal entities such as companies, Government Departments or voluntary organisations, or they can be individuals such as G.P.s, pharmacists or sole traders. UCC, for example, is a data controller in relation to personal data relating to its own staff and students.

**Data processors**, unlike data controllers, have much more limited responsibilities under the Data Protection Acts, and are persons who process personal data on behalf of a data controller (but does not include employees of a data controller who process such data in the course of their employment). Examples of data processors include payroll companies, accountants and market research companies, all of which could hold or process personal information on behalf of someone else.

**Processing** is widely defined under the Data Protection Acts and means performing any operation or set of operations on the information or data, including-

- (a) obtaining, recording or keeping data
- (b) collecting, organising, storing, altering or adapting the data,
- (c) retrieving, consulting or using the data,
- (d) disclosing the data by transmitting, disseminating or otherwise making it available, or
- (e) aligning, combining, blocking, erasing or destroying the data.

## 4. ROLES AND RESPONSIBILITIES

The University has overall responsibility for ensuring compliance with the Data Protection Acts. However, all employees and students of the University who process personal data in the course of their employment or studies are also responsible for ensuring compliance with the Data Protection Acts. The University will provide support, assistance, advice and training to all relevant departments, offices and staff to ensure it is in a position to comply with the legislation. The University's Information Compliance Officer (contact details below) will assist the University and its staff in complying with the Data Protection legislation.

Specifically, the following roles and responsibilities apply in relation to this SOP:

### **Corporate Secretary:**

The Corporate Secretary is the Senior Officer within UCC responsible for compliance with the Data Protection Acts. He is also responsible for:

- reviewing and approving this SOP as appropriate;
- ensuring that appropriate policies and procedures are in place to support this SOP;
- liaising with the University Archivist and Information Compliance Officer in relation to this SOP as appropriate.

#### **Heads of College/Senior Heads of Administrative Function:**

On an annual basis, Heads of College/Senior Heads of Administrative Function will be required to sign a Statement of Internal Control which will contain a section on compliance with the Data Protection Acts. Heads must therefore seek assurance from the areas that come under their functional remit that personal data and sensitive personal data has been reviewed and redundant data disposed of.

#### **Heads of Schools/Departments/Administrative Units/Research Centres:**

As part of the annual Statement of Internal Control process, Heads of Schools/Departments/Administrative Units/Research Centres will be required to provide assurance to their respective Heads of College/Senior Heads of Administrative Function that their area is in compliance with the Data Protection Acts. With regard to this SOP, Heads must provide assurance that personal data and sensitive personal data has been reviewed and redundant data disposed of in an appropriate manner.

#### **Nominated staff within Colleges/Schools/Departments/Offices/Centres responsible for coordinating Data Protection compliance:**

Every College/School/Department/Office within UCC which processes personal data is required to nominate a suitable member of staff to be responsible for coordinating Data Protection compliance matters within their respective area, such matters to include:

- being a point of contact for the Information Compliance Officer regarding Data Protection;
- bringing relevant Data Protection/IT security matters to the attention of relevant staff in his/her area;
- participating in training in data protection/IT security where appropriate.

In relation to this SOP, such members of staff are required to initiate regular reviews of the personal data held in their respective areas to ensure that redundant personal data is disposed of appropriately.

#### **Information Compliance Officer:**

The Information Compliance Officer is responsible for administrative matters at an institutional level in relation to data protection. The principal duties of the Information Compliance Officer in relation to this SOP are to:

- liaise with UCC departments/offices regarding their responsibilities under the Data Protection Acts;
- initiate regular reviews of this SOP and other data protection policies and procedures and ensure documentation is updated as appropriate;
- organise targeted training and briefing sessions for UCC staff as required;
- provide advice and guidance to UCC staff on data protection matters;
- maintain a list of nominated contact persons within each College/School/Department/Office with responsibility for coordinating data protection matters within their own areas.

## University Archivist/Records Manager:

The University Archivist is responsible for the safekeeping and preservation of the records and archives of the University.

The principal duties of the University Archivist in relation to this SOP are to:

- provide advice and guidance to University staff on records management, including how long records should be kept for (retention periods) and the appropriate, safe and secure disposal of records;
- organise training for University staff on records management.

## 5. PROCEDURE

All University Schools/ Departments/Offices/Units must conduct a regular review of the personal data they hold for the purpose of disposing of redundant personal data. It is recommended that such a review should take place on an **annual** basis. Such a review should involve the following steps:

- A. identification of records (both electronic and paper) which contain personal data or sensitive personal data (see definitions above);
- B. identification of the purpose(s) for which the data was originally obtained (i.e. why did you collect the data?);
- C. appraisal of the records to determine if they contain personal data which is no longer necessary for the purposes for which it was originally obtained. This step will involve:
  - consulting the University's Records Management Policy which can be found at the following webpage: <http://ocla.ucc.ie/records/records.htm>
  - determining the appropriate retention period for each type of record by referring to the relevant retention schedule ([http://ocla.ucc.ie/records/rm\\_gdas.html](http://ocla.ucc.ie/records/rm_gdas.html)).
- D. disposal of redundant records: it is important that staff refer to section 11 of the University's Records Management Best Practice Guidelines: [http://ocla.ucc.ie/records/rm\\_gpt11.html#111](http://ocla.ucc.ie/records/rm_gpt11.html#111) for advice on disposal of records (e.g. some records may need to be preserved as University Archives, other records may need to be destroyed). It will also be necessary to:
  - obtain suitable authority to dispose of the records (e.g. from the head of School/Department/Office/Unit).
  - document the disposal of records (see: [http://ocla.ucc.ie/records/rm\\_gpt11.html#111](http://ocla.ucc.ie/records/rm_gpt11.html#111))

For guidance on disposal of electronic devices containing confidential data, please see the guidelines on the IT Services webpage: <http://www.ucc.ie/en/policiesandprocedures/itsystems/guidelines/diposaltechnicalannex/>

To enable staff to adhere to these guidelines, the University has contracted a third party service provider to provide a secure electronic media devices erasure and destruction service. Information about this service is available from IT Services at <http://www.ucc.ie/en/staffitservices/erase/>

- E. consultation with the University Archivist/Records Manager (contact details below) for advice on record retention periods and to ensure that records are disposed of in a safe, secure and appropriate manner.

While it is recommended that a review of records be initiated by the nominated staff members within each area with responsibility for coordinating data protection matters, it is important that **all** staff within each area who hold personal data are involved in the process to ensure that the review is comprehensive and to ensure that the correct decision is made with regard to the appropriate retention periods of records.

## 6. SUPPORTING POLICIES, PROCEDURES & GUIDELINES

This SOP is part of a framework of policies, procedures and guidelines which enable the University to comply with the Data Protection Acts.

The SOP should be read in conjunction with the following University policies, procedures and guidelines. Staff should ensure compliance with these policies and procedures in addition to this SOP:

- Data Protection Policy [[link](#)]
- Data Protection Procedures [[link](#)]
- Records Management Policy ([http://ocla.ucc.ie/records/rm\\_policy\\_doc.html](http://ocla.ucc.ie/records/rm_policy_doc.html))
- IT Security Policy  
([www.ucc.ie/en/policiesandprocedures/itsystems/approvedpolicies/securitypolicy/#d.en.121954](http://www.ucc.ie/en/policiesandprocedures/itsystems/approvedpolicies/securitypolicy/#d.en.121954))
- Data Management Policy  
([www.ucc.ie/en/policiesandprocedures/itsystems/approvedpolicies/datamanagement/](http://www.ucc.ie/en/policiesandprocedures/itsystems/approvedpolicies/datamanagement/))
- Policy on the External Hosting of Personal Data [[link](#)]
- Acceptable Use Policy  
([www.ucc.ie/en/policiesandprocedures/itsystems/approvedpolicies/acceptableusepolicy/](http://www.ucc.ie/en/policiesandprocedures/itsystems/approvedpolicies/acceptableusepolicy/))
- Guidelines for the Disposal of Devices Containing Confidential Data  
([www.ucc.ie/en/policiesandprocedures/itsystems/guidelines/diposaltechnicalannex/](http://www.ucc.ie/en/policiesandprocedures/itsystems/guidelines/diposaltechnicalannex/))
- Data Security Breach procedures [[link](#)]

## 7. FURTHER INFORMATION

<p>If you have any queries in relation to this SOP or data protection matters, please contact:</p> <p>Catriona O’Sullivan Information Compliance Officer Office of Corporate &amp; Legal Affairs (4 Carrigside, College Road) University College Cork Tel: 021 4903949 Email: <a href="mailto:foi@ucc.ie">foi@ucc.ie</a></p>	<p>If you have queries in relation to the disposal of University records, please contact:</p> <p>Catriona Mulcahy University Archivist Office of Corporate &amp; Legal Affairs (6 Elderwood, College Road) University College Cork Tel: 021 4902753 Email: <a href="mailto:archives@ucc.ie">archives@ucc.ie</a></p>
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